



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING
CAREY, SCOTT, DOUGLAS & KESSLER, PLLC AS
OUTSIDE COUNSEL ON BEHALF OF THE GOVERNOR OF WEST VIRGINIA**

The Governor of West Virginia (hereinafter "Governor") is seeking the assistance of outside counsel to assist with currently pending litigation. More specifically, the Governor is seeking legal assistance to defend litigation styled: *G. Issac Sponaugle, III v. James Conley Justice, II*, Case No. 18-0810, currently pending in the Supreme Court of Appeals of West Virginia.

After submitting a proposal in response to Request For Proposals # 71 the law firm of Carey, Scott, Douglas & Kessler, PLLC was selected by the Governor and appointed by Written Determination dated July 10, 2018, to represent the Governor with respect to litigation styled: *G. Issac Sponaugle, III v. James Conley Justice, II*, Civil Action No. 18-P-217, then pending in the Circuit Court of Kanawha County. That civil action was subsequently dismissed by the Circuit Court of Kanawha County and the current proceeding was initiated in the Supreme Court of Appeals. As a result, the Governor's legal interests are now, once again, at issue in this new proceeding. Due to the nature of the Supreme Court of Appeals proceeding, the similarity of the parties and legal interests, Carey, Scott's familiarity with the same, the Governor's continued confidence in Carey, Scott's ability to represent his interests, and in the interests of efficiency and expeditiousness, the law firm of Carey, Scott's appointment to represent the Governor is hereby extended and expanded to include representation of the Governor in *G. Issac Sponaugle, III v. James Conley Justice, II*, Case No. 18-0810, currently pending in the Supreme Court of Appeals of West Virginia.

Based on the factors set forth above, as evaluated by the Governor, the Office of the Attorney General authorizes the appointment of Carey, Scott, Douglas & Kessler, PLLC to serve as outside counsel for the legal matter cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in dark ink, appearing to read "Steven A. Travis".

Steven A. Travis
Deputy General Counsel

Date Signed: September 21, 2018

CAREY, SCOTT, DOUGLAS & KESSLER, PLLC
901 Chase Tower
707 Virginia Street, East
P. O. Box 913
Charleston, WV 25323

State of WV-Office of the Attorney General
State Capitol Bldg. 1, Rm. E-26
1900 Kanawha Blvd. East
Charleston WV 25305

Attn: Brian Abraham

RFP #71

RFP # 71
C. Isaac Sponaugle, III v. James Conley Justice, II
Civil Action No. 18-P-217

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01/31/2019
Account No: 1647-001M
Statement No: 11794

I HEREBY CERTIFY THAT THE
ITEMS LISTED HEREON HAVE
BEEN RECEIVED AND APPROVED
FOR PAYMENT

2/26/19 Date
Name

Previous Balance \$11,967.50

Fees

			Hours	
01/03/2019	LA	Recalendar deadline to answer February 18, 2019.	0.10	n/c
	DRP	Draft motion to dismiss.	0.30	82.50
01/04/2019	DRP	Work on memo of law in support of motion to dismiss.	2.30	632.50
		For Current Services Rendered	2.60	715.00
		Total Non-billable Hours	0.10	

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>
David R. Pogue	2.60

Total Current Work 715.00

Payments

01/17/2019	Payment for Fees - State of West Virginia Check #1004079636 for Statement #11683	-11,665.00
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Balance Due ~~\$1,017.50~~

715.00

OK PA
2/21/19